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ABSTRACT

The Bilingual Education Act (BEA) title VII of the Elementary and Secondary Education Act (ESEA), is the federal program intended to help children who are limited English proficient (LEP) learn English. BEA activities focus on transitional bilingual education; developmental bilingual education; special alternative instruction (such as English as Second Language and immersion); academic excellence projects; family English literacy projects; and bilingual preschool, special education, and gifted and talented projects. The BEA supports grants to states for data collection, evaluation assistance centers, studies, and a national clearinghouse. The BEA also funds personnel training in the area of bilingual education, the operation of resource centers, and finances a bilingual education fellowship program. Six potential issues that Congress may consider in the reauthorization of the BEA are discussed in this report and include limitations on funding for special alternative instruction projects, federal guidance to states on a standard definition of LEP, a research agenda for the 1990s, and the low completion rate of BEA fellowship recipients. (JP)

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CRS Report for Congress

Bilingual Education Act: Background and Reauthorization Issues

ED 365 163

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BILINGUAL EDUCATION ACT: BACKGROUND AND REAUTHORIZATION ISSUES

SUMMARY

The Bilingual Education Act (BEA), title VII of the Elementary and Secondary Education Act (ESEA), is the Federal program specifically intended to help children who are limited English proficient (LEP) learn English. Limited English proficient children are those children who have difficulty speaking, reading, writing, or understanding English. Reauthorization of the ESEA, including the BEA, is anticipated during the 103d Congress.

The BEA funds three types of activities: (1) local programs of academic and language instruction; (2) research; and (3) teacher training. The largest BEA activity is funded under the part A program of competitive grants to local educational agencies (LEAs) for the establishment and operation of LEP instructional programs.

The BEA has been one of the more controversial Federal education programs with debate centering on whether the LEP student's native language should be used in instruction. Currently, the BEA supports a range of projects that vary in the level of use of the LEP children's native language during instruction. Transitional and developmental projects make use of the native language in instruction, while special alternative projects do not. The BEA has a funding preference for projects that utilize the native language in instruction.

Expanding access to and the availability of special instructional programs that enable LEP children to succeed in regular classrooms is likely to be the general focus of concern in the reauthorization. Rough estimates place the number of school-age LEP children between 2.3 to 3.5 million. The precise number of children who are LEP is not known. National estimates of the size of the LEP population vary because of the lack of a standard nationally accepted definition of LEP.

Some of the more specific issues that may be considered in the reauthorization are: (1) whether part A funds should be allocated by formula rather than by competitive grants; (2) whether the limitation on funding for special alternative projects should be raised or removed; (3) how to improve coordination of part A projects with chapter 1 compensatory education programs; (4) whether Federal guidance to States on a standard definition of LEP is necessary; (5) what should be the BEA research agenda for the 1990s; and (6) how to improve the completion rate of BEA fellowship recipients.

The FY 1993 appropriation for the BEA is \$196,465,000. This is an estimated 7 percent increase, adjusting for inflation, from FY 1988.

NOTE: For an update on the status of the BEA reauthorization, see: U.S. Library of Congress. Congressional Research Service. *Redefining the Federal Role in Elementary and Secondary Education: Reauthorization of the ESEA*. CRS Issue Brief No. IB92130, by the Education Section, updated Dec. 3, 1992. Washington, 1992.

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BILINGUAL EDUCATION ACT: BACKGROUND AND REAUTHORIZATION ISSUES

The Bilingual Education Act (BEA), title VII of the Elementary and Secondary Education Act (ESEA), is the Federal program specifically intended to help children with limited English language skills learn English well enough to enter and succeed in all-English classes.¹ The BEA funds three types of activities: (1) local programs of academic and language instruction; (2) research; and (3) teacher training. Authorization of appropriations for these activities expires in FY 1993.² Reauthorization of the ESEA, including the BEA, is anticipated during the 103d Congress.

This report provides an overview of bilingual education, background on the programs of the BEA, and a brief discussion of selected issues that the Congress may consider during reauthorization.

OVERVIEW

Federal involvement in the provision of bilingual education began in 1968 with the enactment of the BEA as title VII of the ESEA.³ The 1968 legislation established a discretionary grant program to aid local school districts plan and begin bilingual education programs, and train bilingual education teachers. These activities remain essentially the focus of the BEA today, along with research activities that were added in 1974.⁴ The last major revision of the BEA was in 1988 by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, P.L. 100-297 (102 Stat. 130, 274).⁵

¹20 U.S.C. 3281 et seq.

²The authorization for the BEA is automatically extended for an additional year, through FY 1994, because the 102d Congress did not act within the time specified in section 414 of the General Education Provisions Act (20 U.S.C. 1226a).

³Elementary and Secondary Education Amendments of 1967, P.L. 90-247, 81 Stat. 783, 816 (1968).

⁴Education Amendments of 1974, P.L. 93-380, 88 Stat. 484, 503.

⁵For a summary of these revisions, see: U.S. Library of Congress. Congressional Research Service. *Elementary and Secondary Education: A Summary of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Public Law 100-297*. CRS (continued...)

The instructional programs funded by the BEA may, or may not, actually be "bilingual." As described below, some of the projects supported by the BEA are bilingual because they teach both English and the native language to the students. Other projects, however, make no use of the native language; students are taught only in English. The BEA has a funding preference for projects that utilize the native language in instruction.

The BEA has multiple goals that may be conflicting at times. The BEA embraces both the goal of bilingualism and English language proficiency that may raise questions about the role of the student's native language. It may not always be clear whether native language development is an independent goal or simply a means to achieve English language proficiency.

The role of the BEA in the provision of bilingual education is rather small. Of all pupils with limited English language skills served in programs designed to meet these needs in the 1990-91 school year, only 15 percent were in BEA-funded programs.⁶ The remainder were served primarily in State and locally financed programs.

The BEA is not the only Federal education program that serves children who are limited in their English language skills. Other Federal education programs serve these children because of other educational needs or deficits including chapter 1 compensatory education, migrant education, immigrant education, Indian education, and bilingual vocational education.⁷ Chapter 1, in

⁶(...continued)

Report for Congress No. 88-458 EPW, by the Education Section. Washington, 1988. (Hereafter cited as Congressional Research Service, *Elementary and Secondary Education: A Summary*)

⁶In the 1990-91 school year, States reported that about 1,698,000 Limited English Proficient (LEP) students were served in Federal, State, and local programs especially designed for them. States reported that about 251,000 LEP students were served in BEA programs. U.S. Department of Education. *Condition of Bilingual Education in the Nation--1992*. Washington, 1992. Tables C and E. (Hereafter cited as U.S. Department of Education, *Condition of Bilingual Education*)

⁷Chapter 1 compensatory education is authorized in title I, chapter 1, part A, ESEA; migrant education is authorized in title I, chapter 1, part D, ESEA; immigrant education is authorized in title IV, part D, ESEA; Indian education is authorized in the Indian Education Act of 1988; and bilingual vocational education is authorized in title IV, part E, Carl D. Perkins Vocational and Applied Technology Education Act. For information on these programs, see: U.S. Library of Congress. Congressional Research Service. *Elementary and Secondary Education Act of 1965: FY 1993 Guide to Programs*. CRS Report for Congress No. 92-625 EPW, by Paul M. Irwin. Washington, 1992; U.S. Library of Congress. Congressional Research Service. *Chapter 1--Education for* (continued...)

fact, serves more children who are limited in their English proficiency than the BEA.⁸ Chapter 1 serves more of these children than the BEA because of its role as the largest Federal elementary and secondary education program providing remedial educational services.

In general, limited English proficient (LEP) children are those children who have difficulty speaking, reading, writing, or understanding English. The precise number of children who are LEP, however, is not known. Among the difficulties in determining the number of LEP children is a lack of consensus on the criteria for determining limited English proficiency. In particular, there is no uniform agreement on the level of language skills that constitutes limited proficiency in English. Consequently, there is no standard nationally accepted definition of LEP. National estimates of the size of the LEP population vary because of the lack of a common definition of LEP.⁹ Current estimates place the number of school-age (5-17 year old) LEP children in the range of 2.3 to 3.5

⁷(...continued)

Disadvantaged Children: Background and Issues. CRS Report for Congress No. 92-878 EPW, by Wayne Riddle. Washington, 1992 (Hereafter cited as Congressional Research Service, *Chapter 1--Education for Disadvantaged Children*); and Congressional Research Service, *Elementary and Secondary Education: A Summary*.

⁸In the 1990-91 school year, States reported that about 1,153,000 LEP students were served in chapter 1 programs. In contrast, States reported that about 251,000 LEP students were served in BEA programs. U.S. Department of Education, *Condition of Bilingual Education*. Table C. It is important to note that these data may reflect duplicate counts as students may receive services from both chapter 1 and BEA. Although these State-reported data differ from other participation data collected by the U.S. Department of Education, the other databases confirm that more LEP students are served in chapter 1 than in BEA.

⁹For a further discussion of the difficulties in estimating the size of LEP population, see: Waggoner, Dorothy. *Linguistic Minorities and Limited-English-Proficient People in the United States: Will We Be Ready to Use the 1990 Census Information? Numbers and Needs: Ethnic and Linguistic Minorities in the United States*, v. 1, no. 2, May-June 1991. p. 3; and Ulibarri, Daniel M. *Issues in Estimates of the Number of Limited English Proficient Students*. In U.S. Congress. House. Committee on Education and Labor. *A Report of the Compendium of Papers on the Topic of Bilingual Education*. Committee Print Serial No. 99-R. Washington, 1986. p. 57.

million.¹⁰ About three-fourths of the school-age population estimated as LEP is concentrated in five States: California, Texas, New York, Florida, and Illinois.

A conservative estimate of the number of LEP children needing, but not receiving English language instruction in the 1990-91 school year, was approximately 521,000. The estimate was based on data collected and reported by the States to the U.S. Department of Education (ED), and suffers from the same problem as estimates of the LEP population discussed above.¹¹

The BEA has been one of the more controversial Federal education programs with debate centering on which language to use for instruction: both English and the LEP student's native language, or English only. Advocates of using both English and the native language argue that the use of the native language helps develop language and thinking skills that transfer readily to English. Proponents of using just English argue that the earlier the exposure and focus on English the quicker the transition to English. There is a great amount of research that supports the use of the native language in assisting LEP children to learn English.¹² Other research, however, points out that the

¹⁰There are a variety of sources that place the number of LEP children in this general range. First, States reported to ED that they identified 2,264,000 LEP students in the 1990-91 school year. U.S. Department of Education, *Condition of Bilingual Education*. Table E. Second, the 1990 Census found that 6.3 million children ages 5-17 speak a non-English language at home. Of these 6.3 million children, 2,388,000 speak English less than "very well." A majority of these 2.4 million children would likely be classified as LEP according to a general rule of thumb developed by ED. U.S. Congress. House. Committee on Appropriations. *Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1993*. Part 6. Washington, 1992. p. 1357. Third, a commonly cited projection of the number of LEP children ages 5-14 for 1990 is 2.8 million. Oxford-Carpenter, Rebecca, et al. *Demographic Projections of Non-English-Language-Background and Limited-English-Proficient Persons in the United States to the Year 2000 by State, Age, and Language Group*. Rosslyn, National Clearinghouse for Bilingual Education, 1984. p. 19. Finally, the Council of Chief State School Officers estimated that there are approximately 3.5 million school-age LEP children. Council of Chief State School Officers. *School Success for Limited English Proficient Students: The Challenge and State Response*. Washington, 1990. p. 15.

¹¹U.S. Department of Education, *Condition of Bilingual Education*. Table E. According to the U.S. Department of Education, this number should be taken as a minimal estimation of need since some States did not report data in this area.

¹²See Snow, Catherine E. *Rationales for Native Language Instruction: Evidence from Research*. In Padilla, Amado M. et al., eds. *Bilingual Education: Issues and Strategies*. Newbury Park, Calif., Sage Publications, 1990. p. 60; and Mulhauser, Fredrick. *Reviewing Bilingual-Education Research for Congress*.

(continued...)

use of English only can also be an effective means in helping LEP children to learn English.¹³ In addition, there may be other factors, such as the availability of trained teachers and curricula materials, that affect the success of a particular instructional approach.¹⁴ Thus, it seems that there may be no one "right" way of teaching English to all LEP children.

BACKGROUND

The BEA authorizes three types of activities. Under "Bilingual Programs" (part A), local LEP instructional programs are funded. Under "Support Services" (part B), research, evaluation, dissemination, and State administrative grants are supported. Under "Training Grants" (part C), a graduate fellowship program, personnel training programs, and multifunctional resource centers are financed. The BEA is administered by ED, Office of Bilingual Education and Minority Language Affairs.¹⁵

The Bilingual Education Act: Five Year Funding Trend

FY 1988 Appropriation:
\$146,573,000

FY 1993 Appropriation:
\$196,465,000

Percentage Change, Adjusting
For Inflation:
7% Increase

BILINGUAL PROGRAMS

The largest BEA activity is supported under the part A program of grants to local educational agencies (LEAs) for the establishment and operation of LEP instructional programs. Grants are awarded on a competitive basis, and are intended to provide initial aid to LEAs starting programs specifically designed to meet the educational needs of LEP pupils. Grants are for 3 years, with the

¹²(...continued)

The Annals of The American Academy of Political and Social Science, v. 508, Mar. 1990. p. 107.

¹³See Berman, Paul et al. *Meeting the Challenge of Language Diversity: An Evaluation of Programs for Pupils with Limited Proficiency in English*. Berkeley, BW Associates, 1992.

¹⁴See U.S. Library of Congress. Congressional Research Service. *Bilingual Education: Recent Evaluations of Local School District Programs and Related Research on Second-Language Learning*. CRS Report for Congress No. 86-611 EPW, by Rick Holland. Washington, 1986.

¹⁵Implementing regulations for BEA begin at 34 CFR 500.1.

possibility of extension for up to 2 more years in some projects (5 years maximum).¹⁶ Local school districts may apply for more than one type of grant.

There are six types of part A projects:

- Transitional Bilingual Education;
- Developmental Bilingual Education;
- Special Alternative Instruction;
- Family Literacy;
- Academic Excellence; and
- Special Populations.

Transitional, developmental, and special alternative projects are the projects that fund the three different models of bilingual education typically found in classrooms. Although all specify a different level of use of LEP children's native language during instruction, the models may be more alike in practice than their descriptions suggest.

Limited English proficient children may not remain in a transitional or special alternative project for longer than a maximum of 5 years. Parents may decline to have their children placed in BEA-funded projects.

Part A activities must receive at least 60 percent of the total annual BEA appropriation. Of this amount, transitional bilingual education projects, and other projects that utilize the LEP children's native language, must receive at least 75 percent. The FY 1993 appropriation for part A is \$149,758,000. Since FY 1988, the last reauthorization of the BEA, appropriations for part A have increased an estimated 18 percent after adjusting for inflation.

Transitional Bilingual Education

Transitional bilingual education projects utilize the LEP child's native language to the extent necessary to allow the child to achieve competence in English. Generally, the LEP child is initially taught reading in English and the native language, while other subjects are taught in the native language until the child knows English well enough to receive subject instruction in English. Transitional projects are the most common type of project funded under the BEA. As noted above, 75 percent of the annual part A appropriation must be used for transitional projects, and other projects that utilize the LEP child's

¹⁶Upon approval by ED, transitional, developmental, and special alternative projects may be renewed for 2 additional years after the initial 3 year grant period expires.

native language. Table 1 shows that funding for transitional projects has declined slightly since FY 1988.

TABLE 1. Transitional Bilingual Education Projects, Funding and Participation, FY 1988-FY 1992					
	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992
Appropriation (1,000s)	\$82,676	\$82,926	\$80,176	\$74,877	\$80,026
Number of projects	527	517	515	489	523
Number of children served	202,546	194,469	226,000	209,918	224,400
Proportion of part A participants	~ 87%	78%	78%	68%	61%

Developmental Bilingual Education

Developmental bilingual education projects utilize the LEP child's native language and English equally. In the late 1980s, ED opted not to fund new developmental projects. The position of ED was that Federal funds are better utilized in transitional and special alternative projects than in developmental projects. The House Committee on Appropriations disagreed, however, finding merit in developmental projects. In 1989, the committee directed ED to fund these projects.¹⁷ Consequently, funding for developmental projects has gone from \$250,000 in FY 1988 to \$5,983,000 in FY 1992. Table 2 shows this increase in funding.

¹⁷U.S. Congress. House. Committee on Appropriations. *Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1990*. Part 6. Washington, 1989. p. 386-387.

**TABLE 2. Developmental Bilingual Education Projects,
Funding and Participation, FY 1988--FY 1992**

	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992
Appropriation (1,000s)	\$250	\$250	\$2,789	\$4,286	\$5,983
Number of projects	2	2	17	25	35
Number of children served	450	254	2,731	3,320	4,600
Proportion of part A Participants	.2%	.1%	1%	1%	1%

Special Alternative Instruction

Special alternative instruction projects do not require the use of the LEP child's native language. Instructional approaches such as English as a Second Language (ESL) and immersion are typically utilized in these projects.¹⁸ Of the annual part A appropriation, no more than 25 percent may be used to fund special alternative projects. The number of special alternative projects has increased steadily over the past 5 years. According to ED, there is a growing demand for them.¹⁹ Table 3 shows that funding for special alternative projects has risen steadily since FY 1988.

¹⁸In general, ESL does not use the native language of the LEP children in instruction; English is taught through the use of audio-visual materials. In immersion classes generally, teachers use only English. Teachers, however, understand the native language of the LEP children, and the children may speak to the teacher in their native language.

¹⁹U.S. Congress. House. Committee on Appropriations. *Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1992*. Part 6. Washington, 1991. p. 1865-1866.

**TABLE 3. Special Alternative Instruction Projects,
Funding and Participation, FY 1988-FY 1992**

	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992
Appropriation (1,000s)	\$6,362	\$14,715	\$17,940	\$21,635	\$29,898
Number of projects	62	142	171	201	278
Number of children served	14,230	36,579	45,570	62,178	86,000
Proportion of part A participants	6%	15%	16%	20%	23%

Academic Excellence

Academic excellence projects are awarded to local LEP instructional programs that ED has determined can serve as a model to other school districts. Recipients provide training and materials to other LEAs in order to improve LEP instructional programs. Funding for academic excellence projects has increased from \$1,518,000 in FY 1988 to \$4,197,000 in FY 1992. The number of projects has increased from 11 in FY 1988 to 23 in FY 1992.

Family English Literacy

Family English literacy projects provide an opportunity for the adult members of the family of LEP children to learn English. Funding for family English literacy projects has increased from \$4,524,000 in FY 1988 to \$6,141,000 in FY 1992. The number of projects has increased from 39 in FY 1988 to 45 in FY 1992.

Special Populations

This activity supports bilingual preschool, special education, and gifted and talented projects. Funding for Special Populations projects has increased from \$5,868,000 in FY 1988 to \$8,009,000 in FY 1992. The number of projects has increased from 36 in FY 1988 to 52 in FY 1992.

SUPPORT SERVICES

Part B of the BEA supports grants to States for data collection, evaluation assistance centers, studies, and a national clearinghouse. Part B grants and contracts, with the exception of State grants, are awarded on a competitive basis. The FY 1993 appropriation for part B is \$10,999,000. Since FY 1988, the last reauthorization of the BEA, appropriations for part B have decreased an estimated 12 percent after adjusting for inflation.

State Grants

Grants are provided to States to finance the collection of data on the number of LEP children needing and receiving special instructional services that enable them to succeed in regular classes. States also use their grants for evaluation and technical assistance efforts. Funding for State grants has increased from \$5,050,000 in FY 1988 to \$6,832,000 in FY 1992.

Evaluation Assistance Centers

Evaluation Assistance Centers provide technical assistance to States and local school districts on the proper identification of LEP students and on evaluating their LEP instructional programs.²⁰ There are two Evaluation Assistance Centers: one serves the Eastern States (George Washington University, Washington, D.C.) and one serves the Western States (New Mexico Highlands University, Las Vegas, New Mexico). Three-year grants to operate the Evaluation Assistance Centers were awarded in 1992. Funding for Evaluation Assistance Centers has increased from \$1,059,415 in FY 1988 to \$1,500,000 in FY 1992.

Studies

The bilingual education research program addresses a variety of questions on the delivery of services to LEP children. Part B outlines the general focus of the program's research agenda and authorizes ED to select the specific topics to be investigated. The ED awards contracts to a variety of organizations to conduct the research. Recent research topics include the success of LEAs in continuing their bilingual education programs after their title VII grants have ended, features of exemplary special alternative instruction projects, and longitudinal (long-term) studies to measure the effect of program participation on LEP students. Funding for bilingual education research has decreased from \$2,654,077 in FY 1988 to \$2,300,000 in FY 1992.

National Clearinghouse

A National Clearinghouse for Bilingual Education (located at George Washington University, Washington, D.C.) is supported under part B to

²⁰New regulations governing the Evaluation Assistance Centers were issued on November 6, 1992. See 57 FR 53194.

disseminate information to parents, teachers, administrators, and researchers. A 1-year contract to operate the clearinghouse was awarded in 1992.²¹ Funding for the clearinghouse has increased from \$1,164,508 in FY 1988 to \$1,368,000 in FY 1992.

TRAINING GRANTS

Part C of the BEA funds personnel training in the area of bilingual education, the operation of multifunctional resource centers, and finances a bilingual education fellowship program. Part C grants and contracts are awarded on a competitive basis. Part C activities must receive at least 25 percent of the total annual BEA appropriation.²² The FY 1993 appropriation for part C is \$35,708,000. Since FY 1988, the last reauthorization of the BEA, appropriations for part C have decreased an estimated 20 percent after adjusting for inflation.

Personnel Training

Personnel training activities include:

- *Training of Educational Personnel.* Grants to colleges and universities support both preservice and inservice training of bilingual education teachers. Training of teacher aides, counselors, and administrators is also permitted. Funding for educational personnel training has decreased from \$24,874,870 in FY 1988 to \$14,200,000 in FY 1992. The number of projects has decreased from 175 in FY 1988 to 85 in FY 1992.
- *Short-Term Training Institutes.* These institutes improve the skill and competence of practicing bilingual education personnel. Funding for training institutes has increased from \$1,469,922 in FY 1988 to \$3,796,000 in FY 1992. The number of projects has increased from 15 in FY 1988 to 35 in FY 1992.
- *Training Development and Improvement.* This activity assists colleges and universities to improve and reform their bilingual education teacher training programs. Funding for training development and improvement has increased from \$363,130 in FY 1988 to \$893,000 in FY 1992. The number of projects has increased from 5 in FY 1988 to 10 in FY 1992.

²¹The contract is renewable through 2, 1-year options.

²²In recent years, the annual Labor, Health and Human Services, Education, and Related Agencies appropriations bills have overridden the 25 percent funding requirement for part C and provided part C with less than 25 percent of the total BEA appropriation.

Multifunctional Resource Centers

Multifunctional Resource Centers (MRCs) provide technical assistance and training to parents and LEAs on the operation of LEP instructional programs. Sixteen MRCs serve the Nation. In addition to serving its region, each MRC must develop an expertise in a particular specialty in bilingual education (such as bilingual special education or education technology in bilingual education) and share its knowledge with the other MRCs. One-year contracts to operate the MRCs were awarded in 1992.²³ Funding for MRCs has increased from \$8,739,078 in FY 1988 to \$11,025,000 in FY 1992.

Fellowship Program

The Bilingual Education Fellowship Program supports students pursuing masters and doctorate degrees in various fields of bilingual education--including teacher training, program administration, research and evaluation, and curriculum development. In exchange for the fellowship, recipients must agree to work in their field of study after graduation for an amount of time equal to that for which they received assistance. Students who do not fulfill their obligation must repay the assistance on a prorated basis. The ED is required by statute to fund at least 500 fellows. Despite this requirement, ED supported only 359 fellows in FY 1992. According to ED, it is not yet able to support 500 fellows because it is still in the process of resuming the operation of the program. The program was suspended by Congress in FY 1988 and FY 1989 pending the release of a program evaluation (discussed below). The ED is gradually increasing the number of fellows it funds and expects to fund 500 fellows in FY 1993. Funding for the program resumed in FY 1990 at \$1,956,000, increasing to \$5,907,000 in FY 1992.

REAUTHORIZATION ISSUES

There are a variety of potential issues that the Congress may consider in the reauthorization of the BEA. One of the basic challenges in the reauthorization, given that Federal budget concerns will probably constrain the amount of money available for the BEA, is to determine the best uses of the resources that are available.

Expanding access to and the availability of special instructional programs that enable LEP children to succeed in regular classrooms is likely to be the general focus of concern in the reauthorization.

Another basic challenge is whether to continue the policy of the BEA to promote native language development. Should the BEA continue its funding preference for projects that utilize LEP children's native language during instruction, or should the BEA drop its funding preference in order to provide local flexibility in teaching English to those children who do not know it?

²³The contracts are renewable through 2, 1-year options.

Perhaps BEA policy should be focused on achieving outcome accountability in terms of LEP students demonstrating proficiency in English rather than on specifying how LEP students are to be taught English?

This report discusses briefly six selected issues that Congress may consider. These selected topics are: (1) whether part A funds should be allocated by formula rather than by competitive grants; (2) whether the limitation on funding for special alternative instruction projects should be raised or removed; (3) how to improve coordination of part A projects with chapter 1 compensatory education programs; (4) whether Federal guidance to States on a standard definition of LEP is necessary; (5) what should be the BEA research agenda for the 1990s; and (6) how to improve the completion rate of BEA fellowship recipients.

It should be noted that these items are issues within the current BEA framework. This report does not discuss more fundamental changes to the BEA that may also be considered during the reauthorization.²⁴ Also, broader ESEA reauthorization issues that may apply to the BEA are not discussed.²⁵ The possible options that are discussed are those that various education organizations or policy experts have suggested.

ALLOCATION FORMULA

Issue: Part A funds for instructional projects are currently distributed through a competitive grant process--LEAs apply directly to ED for a grant. Some educators have criticized this allocation method since some LEAs with large numbers of LEP children do not receive grants. They contend that aside from limited funds that restrict the number of awards available, some LEAs in need do not receive grants because they cannot compete with those LEAs that possess grant writing skills. They argue that there is a subjective element in the application evaluation process that favors those LEAs that are able to submit well written applications.²⁶ At issue is how to efficiently distribute

²⁴For instance, providing LEP instructional services solely through the chapter 1 compensatory education program, and only supporting bilingual education research and dissemination through the BEA.

²⁵For an update on the status of the BEA reauthorization, and a discussion of the broader ESEA reauthorization issues that may apply to the BEA, see: U.S. Library of Congress. Congressional Research Service. *Redefining the Federal Role in Elementary and Secondary Education: Reauthorization of the ESEA*. CRS Issue Brief No. IB92130, by the Education Section, updated Dec. 3, 1992. Washington, 1992.

²⁶The issue of subjectivity in the application evaluation process has been raised in appropriations hearings. See U.S. Congress. House. Committee on Appropriations. *Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1992*. Part 6. Washington, 1991. p. (continued...)

BEA funds to LEAs that are in most need and best prepared to utilize them effectively.

Possible Option: Allocate part A funds for local projects of instruction by formula rather than by competitive grants.

A part A formula might allocate funds to States based on their proportional share of LEP children served.²⁷ The formula might require a threshold number of LEP children served in an LEA before the LEA was eligible for a grant.

Discussion and Analysis: There are several considerations to take into account when deciding whether to switch to a formula allocation method for part A. First is whether a formula is the best means to foster capacity building among LEAs. The current function of part A projects is to aid LEAs starting bilingual education programs, with the goal of withdrawing Federal support after a few years as the LEA assumes full responsibility for the continuation of the program. The scope of the BEA is limited to those LEAs that have a desire to begin services to LEP children. A formula might distribute funds to LEAs not committed, or not ready, to serve LEP children. A competitive grant process may be the better alternative since it allows ED to select those LEAs that it judges are capable of implementing LEP instructional programs. A recent study found that most part A grant recipients are successful at continuing services for LEP students after BEA funds are withdrawn.²⁸

²⁶(...continued)

1859-1860; and U.S. Congress. House. Committee on Appropriations. *Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1993*. Part 6. Washington, 1992. p. 1351-1352.

²⁷For a general description of allocation methods used in ESEA programs, see: U.S. Library of Congress. Congressional Research Service. *Elementary and Secondary Education Act of 1965: Allocation Methods*. CRS Report for Congress No. 92-923 EPW, by Paul M. Irwin. Washington, 1992. Another alternative might be a formula allocation to States based on their proportional share of children who do not speak English well as counted in the decennial census.

²⁸See Kim, Yungho and Tamara Lucas. *Descriptive Analysis of Bilingual Instructional Service Capacity Building Among Title VII Grantees*. Oakland, ARC Associates, Inc., 1992. There is a separate question of whether the same LEAs continue to receive different kinds of part A grants, and thus whether the goal of capacity building is truly achieved. This study did not address this question.

Second, using a formula might make the current practice of funding different types of projects impractical.²⁹ Under a part A formula a single grant could be allocated for use at local discretion to fund activities that resemble the six projects currently authorized.³⁰ In this design, the new part A would still identify the six projects as eligible activities for which LEAs could use their part A grants. An advantage of this approach is that it provides local flexibility. A disadvantage could be that ED may not be certain that an LEA was capable of implementing a particular type of project since LEAs would no longer be applying for specific projects.

Third, utilizing a formula might require the involvement of State educational agencies (SEAs) in the administration of the program. In all Federal formula grant programs for elementary and secondary education, with the exception of impact aid (section 3 of P.L. 81-874) and Indian education (subpart 1 of Indian Education Act of 1988), the State is the initial recipient that in turn allocates funds among LEAs.³¹ Generally, the SEAs are the initial recipients since they have a responsibility in these programs to accept and approve applications from LEAs before distributing funds to them. The involvement of SEAs may be needed to administer the program at the State level if a part A formula is adopted. The involvement of SEAs in the administration of part A may not be an issue since States currently receive administrative grants under part B of the BEA for a variety of State-wide activities in bilingual education.

Finally, employing a formula may create pressure for larger appropriations for part A. Under a part A formula a far greater number of LEAs may be eligible for part A grants than currently receives them even with the use of a threshold count in an LEA before the LEA is eligible for a grant. Higher appropriations may be needed in that case if Congress wishes to maintain the current average Federal share per pupil awarded to LEAs.³² Of course, it is not possible to estimate potential costs of this option without further details and necessary data.

²⁹Of course, a new part A could include both a formula grant program and the discretionary grant projects. The potential problem is whether appropriations would be sufficient to adequately fund all activities.

³⁰Another alternative could be to specify that at least 75 percent of the funds received by an LEA would have to be used for classrooms where the native language of the LEP children is used. The difficulty with this alternative is that it may not be feasible in every LEA, and may be burdensome to monitor to ensure compliance.

³¹In the impact aid and Indian education programs, LEAs are the direct recipients.

³²About \$399 in FY 1992.

CAP ON SPECIAL ALTERNATIVE PROJECTS

Issue: Currently, special alternative instruction projects may receive no more than 25 percent of the funding available for all part A projects. Special alternative projects do not make use of the LEP child's native language. This model of bilingual education is seen as the most viable option for teaching English to LEP children in LEAs with diverse LEP populations. In schools with LEP children speaking many different languages, it is often difficult to implement either transitional or developmental projects in all of the different languages because of a lack of personnel and curricula material. Supporters argue that the cap on special alternative projects should be increased or removed since they believe that these projects will become more popular in the future as schools face increasing numbers of LEP children from many language groups.³³ Funding for special alternative instruction projects reached the 25 percent cap in FY 1992. ED estimates that the cap will also be reached in FY 1993. At issue is whether to raise or remove the limitation on special alternative projects in order to make them more available.

Possible Option: Increase or eliminate the cap on special alternative projects.

Discussion and Analysis: There are two central considerations when deciding whether to increase or eliminate the cap on funding for special alternative projects. One consideration is providing flexibility in the BEA to respond to local preference for special alternative projects. One indicator of local preference is the number of applications for special alternative projects received by ED.³⁴ In recent years, demand for special alternative projects has increased as reflected in the number of applications received in response to competition announcements. In FY 1988, ED advertised that it would award about 20 special alternative grants, and it received about 70 applications. In FY 1989, ED advertised that it would award almost 200 special alternative grants, and it received about 210 applications.³⁵ In FY 1992, ED advertised funding

³³For a discussion of the projected demographic trends of the LEP population, see: Weiner, Roberta. *New Faces at School: How Changing Demographics Reshape American Education*. *Education Week*, v. 24, no. 202, Oct. 18, 1991.

³⁴Although the number of applications is not a perfect measure of demand, it nonetheless is the best proxy that is available. The difficulty with using applications as an indication of demand is that the number of applications may be influenced by such factors as the timing of announcements and the advertised amounts available that do not directly relate to the desire of LEAs to implement a particular type of project.

³⁵In FY 1989, ED advertised a significantly larger number of Special Alternative grants than in any recent year; it eventually awarded about 80 of these grants.

for about 20 special alternative projects, and it received approximately 180 applications.

Although the demand for special alternative projects is up over the past 5 years, the demand for transitional bilingual education projects has not subsided. In fact, the number of applications for transitional grants has increased slightly over the past 5 years. In FY 1988, about 350 applications were received (about 160 projects were advertised). In FY 1992, about 380 applications were received (about 50 projects were advertised).

Another consideration is the policy of the BEA to promote native language development among LEP children. The current requirement that 75 percent of part A appropriations be devoted to transitional projects and other projects that utilize LEP children's native language reflects the importance Congress has placed in the past on developing these children's competence in their native language as an effective means for many LEP children to develop English language competence.³⁶ Increased funding for special alternative projects may have to be offset by decreased funding for projects that use the native language if appropriations for part A remain stable.

COORDINATION OF PART A PROJECTS WITH CHAPTER 1 COMPENSATORY EDUCATION PROGRAMS

Issue: More LEP children are served in the chapter 1 compensatory education program than in the BEA program.³⁷ Chapter 1 serves more of these children than the BEA because of its role as the largest Federal elementary and secondary education program providing remedial educational services. Advocates of bilingual education have a variety of concerns about how well chapter 1 serves LEP children. One concern is the coordination of chapter 1 services with BEA services in such areas as the sequencing of services (i.e., where the services of one program follow and compliment the services of the other program and are not duplicative or out of step), subject offerings, and the availability of services in a single classroom. A recent evaluation of how well chapter 1 serves LEP children found that chapter 1 is not well coordinated with bilingual education at both the State and local level.³⁸ At issue is how to improve coordination of part A projects with chapter 1 compensatory education programs.

³⁶Of course, this policy could change in the future.

³⁷Chapter 1 is the largest Federal elementary and secondary education program. It provides aid to LEAs for educationally disadvantaged children. Chapter 1 programs are found in about 64 percent of all public schools nationwide. For more information on the chapter 1 program, see: Congressional Research Service, *Chapter 1--Education for Disadvantaged Children*.

³⁸Strang, E. William and Elaine Carlson. *Providing Chapter 1 Services to Limited English-Proficient Students*. Washington, Westat, Inc., 1991. p. 56-57.

Possible Option: Include a specific requirement in the BEA that part A projects coordinate their services with chapter 1 in those schools with both programs. Another is to modify the provision in chapter 1 regarding the eligibility of LEP children for chapter 1 services so that LEP children may be considered educationally disadvantaged because of their limited proficiency in English. Currently, LEP children may not be served in chapter 1 unless they have needs stemming from educational deprivation and not needs related solely to their limited proficiency in English.³⁹

Discussion and Analysis: A coordination requirement in the BEA would parallel the current requirement in chapter 1 to coordinate with bilingual education programs. Currently, LEAs participating in chapter 1 are required to assure that they will coordinate the chapter 1 services and bilingual services being received by LEP children.⁴⁰ A similar requirement in the BEA might facilitate coordination since both parties would have an obligation to work with the other program.

A modification to chapter 1 permitting LEP children to be considered educationally disadvantaged might also facilitate the coordination of services. Local educational agencies may be able to better utilize both chapter 1 and the BEA to meet LEP children's complete needs if the children automatically qualified for chapter 1 services.

Considering LEP children educationally disadvantaged may be justified since it is much more difficult to distinguish between low achievement resulting from educational deprivation, versus low achievement resulting from LEP status, in classrooms than the statutory restriction implies. The large number of LEP children served by chapter 1 may indicate that many LEAs find it hard to make the distinction. Thus, removing the restriction would relieve teachers from the trouble of making a possible artificial distinction among children.

One potentially serious problem with allowing the use of chapter 1 funds for services to LEP children is that it may conflict with the current interpretation of a U.S. Supreme Court ruling affirming the right of LEP children to language services designed to meet their special needs. The U.S. Supreme Court, in *Lau v. Nichols* (414 U.S. 563 (1974)), ruled that LEAs are obligated to provide special assistance to LEP children in order to help them overcome their limited proficiency in English. Since the ruling, the Federal Government's policy has been not to allow chapter 1 to pay for language services that are the responsibility of LEAs. The assumption has been that if chapter 1 funds were used for language services, they would be supplanting funds and services that should be provided by State and local governments. But just as the BEA assists LEAs in providing bilingual education, the chapter 1 policy could be changed in order to accomplish a similar purpose.

³⁹Section 1014(d)(1), ESEA (20 U.S.C. 2724(d)(1)).

⁴⁰Section 1012(c)(4), ESEA (20 U.S.C. 2722(c)(4)).

FEDERAL GUIDANCE TO STATES ON THE DEFINITION OF LEP

Issue: One of the fundamental difficulties facing education policymakers in the area of bilingual education is not knowing how many children are limited in their English proficiency. The problem is that the operational definition of LEP varies across the Nation. Not only does this preclude the collection of accurate data on the population, but more importantly, it may preclude access to services for a child who qualifies as LEP in one LEA or State, but not in another.⁴¹ At issue is whether Federal guidance to the States on a standard definition of LEP for eligibility in BEA-funded programs is necessary.

Possible Option: The ED could initiate a variety of efforts to establish conformity among the States in the definition of LEP. For example, ED could convene a task force of State and local officials, experts, and teachers to develop a consensus on the criteria for determining limited English proficiency. Further, ED could also support the development of a set of screening instruments and procedures that schools could adopt. Eventually, ED could also collect better data on LEP children through Federal surveys.

Discussion and Analysis: A possible model for developing a standard definition of LEP is the current effort by ED to develop a uniform definition of high school dropouts.⁴² Although a high school dropout may be a more concrete educational problem to define, the general process of building national consensus among educators on the matter may be a didactic one for bilingual education policymakers.

BILINGUAL EDUCATION RESEARCH AGENDA

Issue: Part B of the BEA supports a variety of research on bilingual education. Recently, two major bilingual education studies were submitted by ED to the National Research Council (NRC) for review. The NRC found serious shortcomings in the studies.⁴³ Specifically, the NRC found that the methodological designs of the studies were ill-suited to answer the policy questions that they were intended to address. The NRC also drew important conclusions concerning the conduct of future bilingual education research under the BEA. The NRC concluded that given that there is no consensus on the objectives of bilingual education across the Nation, national studies to assess the

⁴¹For a further discussion of this issue, see: Council of Chief State School Officers. *Recommendations for Improving the Assessment and Monitoring of Students with Limited English Proficiency*. Washington, 1992.

⁴²For information on this effort, see: U.S. National Center for Education Statistics. *Dropout Rates in the United States: 1991*. Washington, 1992.

⁴³See Meyer, Michael M. and Stephen E. Fienberg, eds. *Assessing Evaluation Studies: The Case of Bilingual Education Strategies*. Washington, National Research Council, 1992.

effectiveness of different instructional models for LEP children will fail.⁴⁴ At issue is what should be the BEA research agenda for the 1990s in light of the NRC's findings.

Possible Option: The NRC recommended that ED no longer fund national and long-term studies of bilingual education. Rather, it suggested smaller scale research focused on specific populations and specific instructional models in specific settings.⁴⁵ In addition, others have suggested that the management of bilingual education research within ED should be reviewed since the NRC found some fault with ED in its direction of the studies reviewed.⁴⁶

Discussion and Analysis: With regard to the NRC recommendations on future research, their implementation rests primarily with ED since it currently selects the specific studies to support. Congress, however, may want to consider the recommendations if it plans to specify in part B any particular research topics to be investigated. In particular, the Congress may want to consider whether to direct ED to conduct any further longitudinal studies of bilingual education students.

With regard to the management of bilingual education research by ED, Congress may want to consider specifying which office within ED is responsible for bilingual education research. The research criticized by the NRC was conducted under the direction of the Office of Policy and Planning. In light of its performance, Congress may wish to designate either the Office of Bilingual Education and Minority Language Affairs or the Office of Educational Research and Improvement as the principal office for bilingual research in the future. If Congress is concerned about the ability of ED to select appropriate research topics, creating an independent advisory council for research in bilingual education may be useful as an outside body in helping ED to pick specific studies to fund.

FELLOWSHIP PROGRAM

Issue: One of the teacher training activities of part C of the BEA is the Bilingual Education Fellowship Program. Over the years, there has been concern about the success rate of fellowship recipients in acquiring their

⁴⁴The report states that "the primary objectives of bilingual education for public schools in the United States remain controversial. In the absence of a well-defined set of program objectives, any research effort to assess 'success' of programs will encounter problems and difficulties from the start." Ibid. p. 91.

⁴⁵The report states that "the [NRC] panel strongly believes that it is much better to find out what works somewhere than to fail to find what works anywhere." Ibid. p. 10.

⁴⁶The NRC found that ED changed the objectives of the studies while they were being conducted, and also failed to document decisions about the studies' objectives, designs, procedures, and analysis plans.

graduate degree. A recent report found that the degree completion rate of fellowship recipients pursuing a doctoral degree is low.⁴⁷ The completion rate of doctoral students supported between 1979 and 1987 was 46 percent.⁴⁸ At issue is how to improve the completion rate of fellowship recipients at the doctoral level.⁴⁹

Possible Option: Support fewer candidates, but supply them with additional financial support in order to increase their chance of completion. There could be several factors affecting doctoral students' chances of completion. Perhaps most important is financial support, especially to complete the dissertation.

Discussion and Analysis: Currently, doctoral candidates receive a fellowship for 3 years, which allows them to complete their course work. The fellowship, however, is not long enough to support them while they complete their dissertation. In general, it takes several years for doctoral students to complete their studies. In 1989, the median completion time for all education doctoral students nationwide was 8.3 years.⁵⁰ The chances of fellows completing their studies might be raised if the length of the fellowship for doctoral candidates was increased to four years. Fewer candidates may have to be supported in order to provide the fourth year of assistance. The tradeoff of fewer fellows for larger fellowships may be a more successful approach to producing bilingual education experts in the long run.

Another option that may be considered is to improve the selection process of fellows. If higher standards were set, and more screening conducted, better students might be supported, thus improving the completion rate.

⁴⁷U.S. Department of Education. *Report to Congress on the Title VII Bilingual Education Fellowship Program*. Washington, 1991. p. 11. (Hereafter cited as *Report to Congress on the Title VII Bilingual Education Fellowship Program*)

⁴⁸Unfortunately, there are no data available on the degree completion rate of doctoral students in other fields in order to compare rates.

⁴⁹There is also the more fundamental issue of whether doctoral students should be supported. It might be argued that resources could be better utilized in other teacher training activities.

⁵⁰*Report to Congress on the Title VII Bilingual Education Fellowship Program*. Of course, one reason why it may take doctoral students so long to earn their degree is that they may be working while completing their dissertation.